

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to salvage permits) NOTICE OF PROPOSED
ADOPTION
)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On November 14, 2013, the Fish and Wildlife Commission (commission) proposes to adopt the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on August 9, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, PO Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I SALVAGE PERMITS (1) A deer, elk, moose, or antelope accidentally killed as a result of a vehicle collision may be salvaged and possessed if a permit is obtained from a peace officer.

(2) Any carcass taken for salvage must:

(a) be presented to a peace officer or department regional office during regular business hours within 24 hours of taking possession of the animal; and

(b) be disposed of in accordance with 75-10-213, MCA, and any meat rendered must be utilized for human consumption and may not be used for bait or any other purpose.

(3) The salvage permit will be issued on a form provided by the department.

(4) Big game tags and licenses issued for the purpose of hunting shall not be used for purposes of salvaging animals.

AUTH: 87-3-145, MCA

IMP: 87-1-301, 87-3-145, MCA

Reasonable Necessity: In 2013, HB 247 provided for individuals to be able to salvage deer, antelope, moose, and elk that were killed in vehicular collisions and provided authority for the commission to create rules to implement this action.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Proposed Wildlife Salvage Rule, Law Enforcement Division, Department of Fish, Wildlife and Parks, PO Box 200701,

Helena, Montana, 59620-0701; fax (406) 444-7894; or e-mail comment@mt.gov, and must be received no later than August 23, 2013.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the Law Enforcement Division at the above address no later than August 23, 2013.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 based on the number of drivers on Montana roads.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, PO Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail on July 15, 2013.

9. With regard to the requirements of Chapter 318, Section 1, Laws of 2013, the commission has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Chairman
Fish and Wildlife Commission

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State July 15, 2013.